

1. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: *The Asbury Park Press*, and *The Tri-Town News* at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 2026** (No Variance Requested)
Applicant: Bais Medrash of Central Jersey
Location: Marlin Avenue
Block 1159.02 Lot 7

Site Plan to convert existing single-family residence to boys' college and future dormitory (Phase I) with plans for Bais Medrash building and trailers (Phase II)

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

Abstained: Mr. Banas, Mr. Rennert

- 2. SP 2027** (Variance Requested)
Applicant: 485 Locust Holdings LLC
Location: Locust Street
Block 1086 Lot 20

Site Plan for 24,114 sf building addition to existing multi-use commercial building

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

Abstained: Mr. Banas, Mr. Rennert

- 3. SP 2028** (Variance Requested)
Applicant: Congregation Ner Yisroel
Location: Ridge Avenue & East Seventh Street

Block 223.01 Lot 71.04
Site Plan for 3,020 sf building addition to existing synagogue

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 4. SD 1899** (No Variance Requested)
Applicant: Pine & 14 LLC
Location: Fourteenth Street
Block 25.05 Lot 56
Minor Subdivision to create 3 lots

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 5. SD 1900** (Variance Requested)
Applicant: Yosaif Oppen
Location: Doria Avenue
Block 494 Lot 2.02
Minor Subdivision to create 2 lots

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 6. SP 2039AA** (No Variance Requested)
Applicant: Lakewood Automotive Center LLC
Location: 650 James Street
Block 223.01 Lot 71.04
Change of Use/Site Plan Exemption to permit a 1500 square foot building addition for an automobile repair facility and conversion of the existing home into office space.

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 7. SP 2033** (Variance Requested)
Applicant: Zev & Chaya Hess
Location: Rosebank Street
Block 228 Lot 17.04
Site Plan for proposed residence with school office and apartment in the basement

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 8. SP 2034AA** (Variance Requested)
Applicant: Me'Ohr Hatalmud, Inc
Location: Chestnut St & Caldwell Avenue
Block 1097 Lot 2
Change of Use/Site Plan Exemption from single-family residence to boys' high school

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 9. SD 1892** (No Variance Requested)
Applicant: Yeshiva Yesodei Hatorah
Location: Bellinger St, South Bell Ave, South Lafayette Ave, Read Pl
Block 804 Lots 1 & 2
Block 823 Lot 1
Block 830 Lots 40 & 41
Site Plan for 41 rental townhouses and associated site improvements

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 10. SD 1836** (Withdrawal)
Applicant: Homes For All
Location: Vine Street
Block 1146 Lot 1
Block 1147 Lot 1
Block 1154 Lot 1
Block 1155 Lot 1
Block 1156 Lot 1
Withdrawal of application for affordable housing

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

- 11. SD 1883** (Variance Requested)
Applicant: Boneh Builders LLC
Location: East Kennedy Boulevard
Block 174 Lots 17, 18, 50
Amended Resolution - Major Subdivision to create thirteen lots

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

6. PLAN REVIEW ITEMS

1. **SD 1912** (Variance Requested)
Applicant: Lakewood Investments LLC
Location: Columbus Avenue
Block 12.10 Lot 19
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 100' X 150' rectangular property totaling fifteen thousand square feet (15,000 SF) or 0.34 acres in area known as Lot 19 in Block 12.10 into two (2) single family residential lots. The two (2) proposed rectangular lots would be 50' X 150' seven thousand five hundred square foot (7,500 SF) properties designated as new Lots 19.01 and 19.02 on the subdivision plan. The proposed lots would each have fifty feet (50') of frontage. The site contains an existing two-story dwelling which would remain on proposed Lot 19.01. Proposed Lot 19.02 would become a new building lot. Public water and sewer is available. The site is situated in the western portion of the Township on the west side of Columbus Avenue, north of its intersection with Central Avenue. Columbus Avenue is a paved municipal road in poor condition with curb, but without existing sidewalk in front of the site. The existing right-of-way width is forty-five feet (45') with a pavement width of approximately twenty-eight feet (28'). Construction of sidewalk is proposed with this application. Existing utility poles with overhead electric are located on the west side of Columbus Avenue. An existing water main runs past the site in the center of the pavement and the road is failing over the old installation trench. An existing sanitary sewer main which currently terminates near Central Avenue will have to be extended to service the site. Gas which is on the east side of the street is also available to the site. The Survey and Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping southwards. In addition to the dwelling, fences have been located. However, no existing septic system is shown. The proposed lots are situated within the R-12 Single Family Residential Zone. The surrounding uses are entirely residential. Variances are being requested for proposed Lots 19.01 and 19.02. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-12 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Area – proposed Lots 19.01 and 19.02, seven thousand five hundred square feet (7,500 SF) provided, twelve thousand square feet (12,000 SF) required – proposed condition. • Minimum Lot Width - proposed Lots 19.01 and 19.02, fifty feet (50') provided, ninety feet (90') required – proposed condition. • Minimum Front Yard Setback – proposed Lot 19.01, 23.9 feet provided, thirty feet (30') required – existing condition. • Minimum Side Yard Setback – proposed Lot 19.01, 7.2 feet provided, ten feet (10') required – existing condition. • Minimum Side Yard Setback – proposed Lot 19.02, seven feet (7') provided, ten feet (10') required – proposed condition. • Minimum Aggregate Side Yard Setback – proposed Lots 19.01 and 19.02, 16.5 feet and fifteen feet (15') provided, twenty-five feet (25') required – proposed condition. 3. Columbus Avenue has an existing right-of-way width of forty-five feet (45'). A two and a half foot (2.5') dedication should be considered to create a twenty-five foot (25') half right-of-way width. It should be noted that a dedication would increase the magnitude of the proposed Minimum Lot Area variances, as well as the Minimum Front Yard Setback variance on new Lot 19.01. Should the Board not require a dedication, then an easement should be provided instead. 4. The

applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. The General Notes reference the Survey map submitted which has been used for the base map of the Minor Subdivision and Improvement Plan. 2. The benchmark shown on the Survey must be referenced on the Minor Subdivision plan. 3. General Note #2 references the Survey submitted. Horizontal and vertical datum has been assumed. 4. General Note #12 requires a minor correction. 5. The "greater than thirty feet (30')" shall be removed from the minimum front yard setback for proposed Lot 19.01. 6. The "seven foot (7')" figure shall be removed from the minimum side yard setback for proposed Lot 19.01. 7. The proposed aggregate side yard setback for new Lot 19.01 shall be 16.5 feet. 8. The required minimum rear yard setback shall be corrected to twenty feet (20'). 9. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The Improvement Plan shows that the parking configuration will provide four (4) off-street parking spaces for proposed Lot 19.02. Off-street parking must be addressed for proposed Lot 19.01. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. 10. The Improvement Plan notes the existing septic system serving the dwelling to remain on proposed Lot 19.01 shall be located and will be abandoned in accordance with all applicable rules and regulations. 11. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown along Columbus Avenue. Proposed easement areas have been shown on an individual lot basis. 12. Proposed outbound corner markers should be added to the rear corners of the site. 13. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 14. Unless waived by the Board, street trees should be added to the Improvement Plan within the shade tree and utility easement. The types of proposed street trees should be identified. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes the larger existing trees on-site have been located on the Survey and Improvement Plan. The larger existing trees which will be removed shall be indicated. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. 15. The General Notes on the Improvement Plan indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. 16. Testimony is required on the disposition of storm water from the development. The General Notes on the Improvement Plan indicate proposed drywells shall be sized at the time of plot plan submission. 17. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and must be corrected. A low point is being created on proposed Lot 19.01 which will trap runoff. An existing low point in the gutter of Columbus Avenue must also be addressed. 18. Proposed concrete sidewalk will be extended along Columbus Avenue according to the Improvement Plan. The proposed sidewalk location will meet the existing sidewalk to the north of the site. 19. A proposed gutter reconstruction design is required along Columbus Avenue to provide adequate slope for drainage toward the existing inlet at the corner of Central Avenue. 20. Considering the poor condition of the road, the proposed gutter reconstruction, and connections to utilities which are all located on the opposite side of the street, it is certain the disturbance to the pavement will exceed twenty percent (20%). Construction details with full width mill and overlay will need to be provided. 21. The General Notes on the Improvement Plan indicate the subdivision will be

conditioned upon the “future” extension of the sanitary sewer main. 22. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 23. Compliance with the Map Filing Law is required. 24. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (septic system removal); and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer.

Mr. Adam Pfeffer, Esq. represented the applicant.

Mr. Flannery said they will present their testimony supporting the requested variances at the public hearing meeting. They can comply with the engineer's comments as listed in his review letter.

Mr. Schmuckler requested a Percal Map be provided at the public hearing.

Mr. Flannery said they will have it.

A motion was made and seconded by Mr. Banas to advance this application to the November 26, 2013 public hearing. No further notice.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

Mr. Neiman announced that the Mayor had found a designee to sit at the meetings.

Mr. Jackson administered the oath of office to the new mayor's designee, Moshe Ingber.

- 2. SD 1914** (Variance Requested)
Applicant: Pearl Goldstein
Location: Towers Street
Block 855.04 Lot 23
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing property known as Lot 23 in Block 855.04 and create two (2) rectangular single family residential lots, designated as proposed Lots 23.01 and 23.02 on the subdivision plan. Existing Lot 23 is a rectangular 175' X 250' tract containing 43,750 square feet (1.004 acres) with an existing dwelling and appurtenances. The proposed subdivision would create two (2) identical new single family residential lots of eighty-seven and a half feet (87.5') wide by two hundred fifty feet (250') deep. These proposed lots would contain 21,875 square feet (0.50 acres). All existing improvements are to be removed. Public water and sewer is not available. As noted on the subdivision plans, water and sewer service will be provided by private wells and septic systems. The site is situated in the central portion of the Township on the south side of Towers Street, two hundred seventy-five feet (275') east of its intersection with Albert Avenue. Towers Street is a paved

municipal road in fair condition without existing curb and sidewalk in front of the site. The existing right-of-way width is fifty feet (50'). Curbing and sidewalk are proposed along the property frontage as depicted on the Improvement Plan. Utility poles with overhead electric also exist within the right-of-way in front of the site. The property slopes to the south and contains many small trees. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are predominantly single-family residential. Lot width variances are being requested for the creation of proposed Lots 23.01 and 23.02. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the R-20 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Width (proposed Lots 23.01 and 23.02; 87.5 feet proposed, 100 feet required) – proposed condition. 3. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey map has not been submitted, or referenced on the Minor Subdivision Plan. The information which has been used for the base map of the Minor Subdivision and Improvement Plans is incomplete. 2. A horizontal datum has been assumed on the Minor Subdivision Plan. 3. The vertical datum has been assumed. However, a vertical bench mark must be provided. 4. General Note #4 states the proposed dwellings shall be served by individual septic and well. 5. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown along Towers Street. Proposed easement areas have been shown on an individual lot basis. 6. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. Proposed driveways on the Improvement Plan must be dimensioned to show that the parking configuration will provide at least four (4) off-street parking spaces per lot. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. Durable surface driveways will be required. 7. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 8. The Surveyor's Certification has not been signed since the monuments have not been set. 9. A space must be left in the Notary Public's Certification to fill in the names of the owners signing the map. 10. The Secretary's Certification is for a Major Subdivision, not a Minor Subdivision. 11. Three (3) proposed October Glory Maples and three (3) proposed Willow Oak street trees are shown on the Improvement Plan within the shade tree and utility easement. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. There are many trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. 12. We recommend that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. 13. The existing septic system for the dwelling within existing Lot 23 must be abandoned. Approvals will be required from the Ocean County Board of Health for the new systems. 14. Approvals for the proposed wells and septic systems will be required from the Ocean County Board of Health. 15. Testimony should be provided as to whether drywells will be proposed to address storm water management from the development. Drywells shall be sized at the time of plot plan submission. 16. Proposed four foot (4') wide concrete sidewalk, and concrete curb to be set fifteen feet (15') from the centerline, will be provided along Towers Street according to the Improvement Plan. Existing curb and sidewalk which is not shown on

the Improvement Plan borders the project to the east. Therefore, the proposed design of the curb and sidewalk across the frontage of the site must meet these existing improvements. Furthermore, a pedestrian bypass must be designed in front of the site since the proposed sidewalk will increase the continuous length to over two hundred feet (200'). 17. Testimony should be provided on proposed grading. A proposed grading design will be required on the Improvement Plan for the curb and sidewalk construction. 18. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 19. Compliance with the Map Filing Law is required. 20. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (potable wells and septic systems); and e. All other required outside agency approvals.

Mr. Vogt stated that variances are requested for minimum lot width.

Mr. Flannery said they read the engineer's report and will be ready to present testimony at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to advance the application to the November 26, 2013 public hearing. No further notices.

Affirmative: Mr. Franklin, Mr. Ingber, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 3. SP 2038** (No Variance Requested)
Applicant: Yeshiva Tifereth Torah
Location: Vine Street
Block 1147; 1156 Lot 1; 1
Site Plan for proposed school building

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a School along with site improvements, on the subject premises. This site is located on a portion of the property known as Maple Tree Village which was previously approved by the Board under Application # SD-1836. Maple Tree Village never received Resolution Compliance and it is our understanding that the application has been withdrawn. According to the preliminary architectural floor plans submitted, the proposed building consists of approximately seventy-five thousand square feet (75,000 SF). A proposed footprint exceeding twenty-five thousand square feet (25,000 SF) includes a basement and two (2) floors. The subject properties to be developed are located between Vine Avenue and Vermont Avenue south of Oak Street. The site is in the southern portion of the Township, generally southeast of the Vine Avenue and Oak Street intersection. Vine Avenue an improved road in good condition with a fifty foot (50') right-of-way width, borders the proposed project to the west. Edgecomb Avenue is an unimproved road with a fifty foot (50') right-of-way width, borders the future development area to the north. Vermont Avenue is a sixty-six foot (66') wide unimproved right-of-way. Vermont Avenue has been previously cleared and poles with overhead electric lines have been constructed on the west side of the right-of-way. An unimproved portion of Bradhurst Avenue with a fifty foot (50') right-

of-way width, borders the eastern side of the site to the south. Block 1146 borders the western side of the site to the south, where a part of Bradhurst Avenue has been vacated. The site is currently vacant and wooded. The land generally slopes to the north with existing elevations dropping from about one hundred feet (100') MSL to around eighty feet (80') MSL. Access to the site would be from Vine Avenue. Proposed storm water management facilities and utilities are associated with this project. The project proposes an above ground infiltration basin, along with a separate underground recharge system. Proposed sanitary sewer service will connect by gravity to an off-site sanitary sewer system to be constructed by others. Proposed potable water for the site has not yet been addressed. A forty-eight (48) space off-street parking lot is proposed for the project. We have the following comments and recommendations: I. Waivers A. The following submission waivers have been requested: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours within 200 feet of the site boundaries. 3. C6 - Plans and profiles of proposed utility layouts. 4. C13 - Environmental Impact Statement. 5. C14 - Tree Protection Management Plan. 6. C15 - Landscaping Plan. 7. C17 - Design calculations for drainage facilities. We can support the B-Site Features waivers on the condition there is enough information provided for design. The submission waiver from plans and profiles for utilities should only be from a completeness standpoint. Identify proposed utilities prior to the public hearing. We support the waiving of an Environmental Impact Statement due to the fact the site was approved for a previous development application. The applicant will be required to comply with the Township Tree Protection Ordinance as a condition of Board approval (if/when granted). The submission waiver for landscaping should only be from a completeness standpoint and should be required prior to the public hearing. The submission waiver from design calculations for drainage facilities should only be from a completeness standpoint. Drainage facilities should be proposed to eliminate the increase in runoff by the development from impacting adjoining properties. Identify proposed drainage prior to the public hearing. II. Zoning 1. The parcels are located in the R-40/20 Cluster Residential District. Private schools are a permitted use in the zone. 2. No variances have been requested. 3. Design waivers are required from completing road improvements across all of the project frontages. 4. A design waiver is required to permit six foot (6') high fence in the front yards. 5. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. Site Plan/Circulation/Parking 1. Maple Tree Village (applicant, Homes for All) was approved under Resolution SD-1836 for this site. The applicant's professionals must confirm the application was withdrawn. 2. General Note #2 references that outbound and topographic information was taken from a survey updated by Ernst, Ernst & Lissenden in November, 2011. The Ernst, Ernst, & Lissenden survey encompassed an area that exceeded the limits of this proposed site plan. An updated survey for the parcels in question must be provided with the resubmission of documents for the public hearing. 3. The General Notes shall identify that the property is located in the R-40/20 Cluster Residential District and the use is a private school. 4. The provided Zoning Data needs corrections. The provided lot area should be based on an updated survey. The updated survey should not be for a completely rectangular property. The updated survey should also identify previously vacated right-of-ways. 5. Off-street parking: Based on the preliminary architectural floor plans submitted, we calculate the off-street parking requirements should be forty-seven (47) off-street parking spaces. This would require two (2) handicap spaces with at least one (1) being van accessible. 6. A proposed site access is shown on a previously vacated portion of Bradhurst Avenue. The southern half of this proposed access is

on lands which are not part of this application. The applicant's professionals must address this matter. 7. Zones and Zone Boundary Lines must be added to the site plan. 8. Unless a waiver is granted, Bradhurst Avenue, Edgecomb Avenue, and Vermont Avenue shall be improved across the proposed project frontages. 9. Curb is proposed within the interior of the development. Curb is proposed along both sides of Edgecomb Avenue being improved. The proposed limits of sidewalks are not clear. At a minimum, new sidewalk should be extended to the frontage limits of the proposed road improvements along Vine and Edgecomb Avenues. Proposed sidewalk must be widened to five feet (5') unless pedestrian bypass areas are designed. 10. The existing right-of-way width for Vermont Avenue is sixty-six feet (66'). Should the Board require improvement of Vermont Avenue, a proposed pavement width of forty feet (40') must be provided, consistent with previous approvals. It is likely Vermont Avenue will become a collector road in the future. 11. Proposed off-site improvements should be coordinated with approved Application # SP-2004 located on the east side of Vermont Avenue. 12. Ten (10) school bus spaces of twelve foot (12') wide by forty foot (40') long are being proposed in accordance with the ordinance. The direction of flow should be confirmed to be counterclockwise such that the bus doors face the proposed school building. Testimony is necessary from the applicant's professionals regarding how the proposed bus parking and bus drop off areas will be used, including but not limited to times, sizes, and types of vehicles anticipated. 13. Accessible routes must be addressed. 14. Testimony should be given regarding proposed circulation with the site layout (parking, access, etc.). It is believed a one-way counterclockwise bus circulation is proposed from Vine Avenue. 15. Testimony should also be provided as to the maximum number of staff professionals at the site during school operations. 16. The proposed Site Layout Plan requires better coordination with the preliminary Architectural Plans. Significant discrepancies have been noted between the footprints. Proposed dimensions for the building and setbacks must be to the hundredth of a foot, since it impacts the layout. Proposed building square footage should also be coordinated. 17. Proposed curb radii of twenty-five feet (25') have been provided at all locations intersecting Vine Avenue. This could necessitate Sidewalk Easements across the western corners of the property. 18. Refuse and recycling areas are proposed for the project across from the access driveway to Edgecomb Avenue. The proposed location is poor since it is off-site and any future extension of Edgecomb Avenue will leave these areas in the right-of-way of an improved street. Testimony should be provided on collection. If refuse and recycling collection is to be provided by the Township of Lakewood, DPW approval will be required. The proposed areas have been screened. 19. The existing blocks and lots should be consolidated. 20. Sight Triangle Easements have not been proposed at the intersections of streets and driveways, and must be added. 21. Proposed shade trees shall be added along all improved frontages, and shade tree and utility easements shall be added to all frontages, unless waivers are sought.

B. Architectural

1. Preliminary Architectural Floor Plans were submitted for review. Per review of the submitted plans, the proposed two (2) floor building will also have an unfinished basement. The proposed plans should be revised to indicate the proposed building height with elevation views. Thirty-five feet (35') is the allowable building height. 2. Proposed layout, dimensions, and square footages must be coordinated between the architectural plans and site plans. Proposed setbacks could be impacted. 3. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. 4. Testimony should confirm whether a sprinkler system is proposed. 5. Testimony should be provided as to where HVAC equipment is proposed for the building and how the equipment will be adequately screened. 6. An elevator is proposed for handicap accessibility throughout the proposed building. Handicap access into the proposed building should be addressed.

C. Grading

1. Detailed grading is provided on a

Grading & Utilities Plan which is Sheet 3 of 8. The grading design generally directs runoff to proposed inlets. A storm sewer collection system is proposed to collect this runoff. Most of the proposed site runoff will be conveyed by piping to either a proposed infiltration/detention basin or underground recharge system. 2. Profiles are being developed for road improvements, the parking lot, as well as for the off-site sanitary sewer. The profiles shall be completed for the resubmission of documents for the public hearing. An existing profile for Vine Avenue shall be added since proposed improvements will connect to Vine Avenue. 3. Profiles should be provided for the proposed storm drainage system. 4. Seasonal high water table information will be required to determine whether the proposed basement floor, infiltration basin sand bottom, and underground recharge bed elevations provide a minimum two foot (2') separation. 5. The proposed grading concept is feasible. We have not conducted a detailed review of the grading because of the plan revisions anticipated. D. Storm Water Management 1. Proposed storm sewer collection systems have been designed to convey storm water runoff to a proposed infiltration/detention basin and underground recharge systems. The proposed infiltration/detention basin will be located in the eastern portion of the site. Underground recharge systems have also been designed. The plans should indicate the ownership and maintenance of the storm water management system will be the responsibility of the property owner. 2. The project is large enough to be classified as Major Development. Therefore, both water quality and quantity shall be addressed in the proposed design. 3. Predevelopment and Post Development Drainage Area Maps, along with a Storm Water Management Report, shall be provided for the project design with the resubmission documents for the public hearing. 4. The design for the storm water collection piping of the proposed project is only schematic at this time. 5. The Storm Water Management Design will be reviewed in detail after anticipated plan revisions are submitted. E. Landscaping 1. Landscaping has been provided on Sheet 6 of 8 of the Site Development Plans. 2. At this time basically only shade trees are proposed for landscaping. Additional landscaping should be provided. 3. All proposed shade tree and utility easements, sight triangle easements, sidewalk easements, and utility lines should be added to prevent planting conflicts. 4. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. Per our site inspection of the property, the site is wooded with the exception of the Vermont Avenue right-of-way which has been cleared. 5. Landscaping shall be reviewed in detail after anticipated plan revisions are submitted. F. Lighting 1. Lighting has been provided for the site and the portion of Edgecomb Avenue to be improved on Sheet 6 of 8 in the Site Development Plans. 2. The Plan indicates sixteen (16) pole mounted light fixtures are proposed for the project. 3. A point to point diagram must be provided to verify the adequacy of the proposed lighting. 4. Testimony should be provided regarding lighting ownership. 5. Lighting should be provided to the satisfaction of the Board. 6. Lighting shall be reviewed in detail after anticipated plan revisions are submitted. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. Off-site gravity sewer is proposed for sewage service. A proposed sewer main will be constructed from Edgecomb Avenue to a sanitary sewer manhole in Oak Street to be constructed by others. The proposed gravity sewer should be coordinated with the approved SP-2004 application. 3. Potable water service should be addressed with the resubmission of plans for the public hearing. 4. The location of the closest fire hydrant should be added to the plans. H. Signage 1. Proposed regulatory signage shall be shown on the plans. Some regulatory sign details have been provided. 2. No project identification signage or building mounted signage has been proposed. A full signage package for free-standing and building-mounted signs identified on the site plans

(requiring relief by the Board) must be provided for review and approval as part of the site plan application. 3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site investigation of the property, the tract is wooded with the exception of Vermont Avenue which has been cleared and has utility poles containing overhead electric lines. 2. Environmental Impact Statement A waiver from an Environmental Impact Statement has been requested. An Environmental Impact Statement was provided for review under Application # SD-1836 and addressed environmental concerns as applicable. The project is exempt from CAFRA permit requirements as an educational facility. 3. Tree Management A Tree Protection Plan shall be completed and submitted with the project plan revisions. J. Construction Details 1. Construction details are provided on Sheet 8 of 8 on the plans. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Review of construction details will take place after revised plans are submitted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Fire Commissioners; d. Ocean County Planning Board; e. Ocean County Soil Conservation District; and f. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt said the submission waivers requested are supported.

A motion was made by Mr. Banas, seconded by Mr. Follman to approve the waivers.

Affirmative: Mr. Franklin, Mr. Ingber, Mr. Banas, Mr. Neiman, Mr. Schmuckler

Abstained: Mr. Follman, Mr. Rennert, Mr. Percal

Mr. Flannery said they will relocate the trash enclosure as recommended. They are asking for design waivers with respect to a fence, curbing and road improvements. Testimony will be provided at the public hearing.

Mr. Schmuckler said he loves the plan.

A motion was made by Mr. Schmuckler, seconded by Mr. Franklin to advance this application to the November 12, 2013 meeting. No further notices.

Affirmative: Mr. Franklin, Mr. Ingber, Mr. Banas, Mr. Neiman, Mr. Schmuckler

Abstained: Mr. Follman, Mr. Rennert, Mr. Percal

7. PUBLIC HEARING ITEMS

1. **SD 1915** (No Variance Requested)
Applicant: 400 Warren LLC
Location: Warren Avenue
Block 768 Lot 41 & 78
Minor Subdivision to create four fee-simple duplex units

Project Description

The applicant seeks a Zero Lot Line subdivision approval in accordance with Section 18-911 of the UDO to subdivide an existing square twenty-two thousand five hundred square foot (22,500 SF) property known as Lots 41 & 78 in Block 768 into four (4) new residential lots, designated proposed Lots 78.01 through 78.04 on the subdivision plan. The site will be developed with two (2) duplex buildings. An existing single-family dwelling and appurtenances will be removed as depicted on Sheet 2. Public water and sewer is available. The site is situated within a predominantly single-family and multi-family residential area, on the southwest corner of the intersection of Warren Avenue and Jay Street. Warren Avenue is an improved municipal road in good condition with a sixty foot (60') right-of-way. Jay Street is a dead end improved municipal road in fair condition with a fifty foot (50') right-of-way. Both property street frontages have no sidewalk and curbing. New sidewalk and curbing are proposed along both frontages as indicated on the Improvements Plan (Sheet 2 of 2). Off-street parking is proposed along Warren Avenue. The property contains an existing dwelling on Lot 41, which is to be removed. Lot 78 is vacant and wooded. Utility poles with overhead electric exist along both street frontages. The proposed units can connect to public water on the west side of Warren Avenue. Sanitary sewer can be connected to in the center of Warren Avenue, and gas exists on the east side of the street. The existing property falls within the R-7.5 Single Family Residential Zone and would be subdivided into the combination of proposed Lots 78.01/78.02 consisting of ten thousand fifty square feet (10,050 SF) and Lots 78.03/78.04 containing twelve thousand four hundred fifty square feet (12,450 SF). We have the following comments and recommendations per testimony provided at the 10/1/13 Planning Board Plan Review Meeting and comments from our initial review letter dated September 23, 2013: I. Zoning/Applicability 1. The property is located in the R-7.5 Single Family Residential Zone District. Duplexes are a permitted use in this zone provided the newly created lots have a minimum lot size of ten thousand square feet (10,000 SF) and a minimum lot width of sixty feet (60'). Zero lot line residential development is permitted in the zone. Statements of fact. 2. In accordance with Section 18-911 of the Ordinance, newly constructed or proposed duplexes (or conversion of an existing dwelling to a zero lot line dwelling) are allowed activities, provided that the duplex is constructed to applicable Township standards, and the duplex is intended to be divided into two (2) separately owned structures and lots. Statement of fact. 3. While proposed Lot 78.03 is less than five thousand square feet (5,000 SF), the aggregate area of combination of proposed Lots 78.03 and 78.04 exceeds the ten thousand square foot (10,000 SF) minimum lot area requirement for duplexes in the R-7.5 Zone. Statement of fact. 4. An aggregate side yard setback variance is required for the combination of proposed Lots 78.01/78.02. The proposed aggregate side yard setback is fourteen feet (14'), while the allowable aggregate side yard setback is fifteen feet (15'). The Zoning Data shall be corrected accordingly. The Board shall take action on the required aggregate side yard setback variance. 5. Based on the architectural plans submitted, a variance will be required for maximum building coverage on the combination of proposed Lots 78.01/78.02. A thirty percent (30%) coverage is allowed and the inclusion of decks will exceed this percentage. Unless testimony is provided that the maximum building coverage of thirty percent (30%) will not be exceeded, the Board shall take action on the required maximum building coverage variance. 6. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey map has not been submitted, or referenced on the Minor Subdivision Plan. The information which has been used for the base map of the Minor

Subdivision and Improvement Plans is incomplete. Any approvals should be conditioned upon submission of a current outbound and topographic survey. 2. Horizontal datum has been assumed on the Minor Subdivision Plan. Horizontal datum shall be in accordance with the survey to be submitted for resolution compliance should approval be granted. 3. The vertical datum has been assumed. A bench mark must be provided. This information shall be consistent with the survey to be submitted for resolution compliance should approval be granted. 4. Based on the architectural plan provided, the proposed building footprints, as well as the front and rear offsets are incorrect. Accordingly, revisions will be required to the Zoning Data. The applicant's engineer indicates the architectural drawings are being revised. Revised architectural drawings along with Minor Subdivision Plan revisions can be provided with resolution compliance submission should approval be granted. 5. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing, should approval be granted. 6. Four (4) proposed October Glory Maples and four (4) Willow Oak street trees are shown on the Improvement Plan (Sheet 2) within the shade tree and utility easements. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Existing Lot 78 is wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. The Board should provide landscaping recommendations, if any. 7. Per General Note #11 on the Minor Subdivision Plan (Sheet #1) soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. The information can be provided with resolution compliance submission should approval be granted. 8. Testimony should be provided as to whether drywells will be proposed to address storm water management from the development. Drywells shall be sized at the time of plot plan submission. The applicant's engineer indicates that drywells will be proposed and sized at the time of plot plan submission. 9. Proposed four foot (4') wide concrete sidewalk, and concrete curb to be set fifteen feet (15') from the centerlines, will be provided along Jay Street and Warren Avenue according to the Improvement Plan. Existing curb and sidewalk which is not shown on the Improvement Plan borders the project to the west on Jay Street. Therefore, the proposed design of the curb and sidewalk across the frontage of the site must meet these existing improvements. Furthermore, a pedestrian bypass must be designed along the Jay Street frontage of the site since the proposed sidewalk will increase the continuous length to over two hundred feet (200'). Existing utility poles could also impact the proposed design. A pedestrian bypass has been proposed on Jay Street. Final design will be impacted by the survey required for resolution compliance submission should approval be granted. 10. The Improvement Plan shows proposed lot grading. Overland slope may need to be increased. The Improvement Plan shall be revised to provide proposed elevations at new lot corners. The proposed curb design should provide for elevations at no more than fifty foot (50') intervals. The grading has been revised and additional grades have been shown along the proposed curbing. The proposed slope of the gutter along Warren Avenue should be increased. However, final design will be impacted by the survey required for resolution compliance submission should approval be granted. 11. Compliance with the Map Filing Law is required. Statement of fact. 12. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. We will review the construction details after resolution compliance submission should approval be granted. 13. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required. The written agreement shall be a condition of any approvals.

III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are

not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service.

Mr. Vogt stated there are variances requested for aggregate side yard setback for a combination of lot 78.01 and 78.02 as well as maximum building coverage for those same lots.

Mrs. Miriam Weinstein, Esq. said this application is for the subdivision of two existing lots into four zero lot line lots upon which two duplexes will be built. The lot coverage will slightly exceed the required 30% due to the fact that the decks are being included.

Mr. Glenn Lines, P.E. was sworn in. He explained that the side yard setback variance is for an extra half a foot on either side for a total of 15 ft instead of the required 14 ft.

Mr. Neiman said if they eliminated that variance it would also eliminate the coverage variance.

Mr. Lines said they would like to keep the units at 25.5 ft. It is a nice width for a duplex. He believes the variances are small enough in nature that the benefit of a slightly wider unit for architectural purposes outweigh the detriment of that half foot. The corner units are fully conforming.

Mr. Banas asked what the coverage is.

Mr. Lines said with the decks, the interior duplexes would be about 32.5%.

Mr. Vogt recommends to request a 33% maximum coverage just to be safe.

Mr. Lines agrees with that.

Mr. Neiman said he would rather get rid of the side yard variances and make it a front yard variance.

Mr. Lines said it should also reduce the coverage variance. He also suggested to add a half foot on lot 78.03 so that everybody gets 7.5 ft. Instead of a 25 ft front setback, there would be a 23.5 ft setback to Jay Street.

Mr. Neiman likes that idea.

Mr. Vogt said they should now request a 32% maximum building coverage with a 24 ft front setback.

Mr. Schmuckler asked about parking and basements.

Mr. Lines said there will be four spaces per unit. One basement per unit.

Mr. Schmuckler said this is a tight street and he wants to make sure there is ample room for parking and to eliminate the possibility of parking in front of the houses.

Mr. Lines said they can shift the driveways to make sure there is room.

Mr. Neiman opened to the public, seeing no one he closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application. Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 2. SD 1906** (Variance Requested)
Applicant: Sheldon Newmann
Location: Spruce Street
Block 778.06 Lot 61
Minor Subdivision to create two fee-simple duplex lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing lot totaling twenty-one thousand four hundred fifty square feet (21,450 SF) or 0.492 acres in area known as Lot 61 in Block 778.06 into two (2) new residential lots consisting of a duplex unit on two (2) zero lot line parcels. The proposed properties are designated as proposed Lots 61.01 and 61.02 on the subdivision plan. The site contains an existing one-story frame dwelling, a detached framed garage, and a shed. It appears the structures will be removed from existing Lot 61 along with all other existing site improvements. Proposed Lots 61.01 and 61.02 will become two (2) zero lot line properties for a duplex unit. Public water and sewer is available, as well as gas and overhead electric. Curb and sidewalk exist across the frontage of the tract. The site is situated in the central portion of the Township on the north side of Spruce Street between Route 9 and Sharon Court. Spruce Street has a fifty foot (50') right-of-way and is a heavily traveled improved municipal road in poor condition with numerous patches. Proposed Lots 61.01 and 61.02 will be equal 32.50' X 330' zero lot line properties of ten thousand seven hundred twenty-five square feet (10,725 SF) each in area. The topography of the site slopes northward away from Spruce Street. The rear portion of the tract is wooded. The lots are situated within the R-10 Single Family Residential Zone. The existing site is nonconforming with respect to lot width. Therefore, lot width variances are required to create this subdivision. The surrounding area is almost exclusively residential. We have the following comments and recommendations per testimony provided at the 9/10/13 Planning Board Plan Review Meeting and comments from our initial review letter dated August 28, 2013: I. Zoning 1. The parcel is located in the R-10 Single-Family Residential Zone District. Duplex housing on zero lot line properties is a permitted use in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required: • Minimum Lot Width for zero lot line properties (proposed Lots 61.01 and 61.02, 32.50 feet, 37.50 feet required) – proposed condition. • Minimum Aggregate Side Yard for the combination of proposed Lots 61.01/61.02 (proposed 20 feet, 25 feet required) – proposed condition. The Board shall take action on the required variances. 3. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey Plan with topography has been submitted for review. The date on the Survey Plan supersedes the dates on the Minor Subdivision and Improvement Plan. The date on the Survey

Plan must be corrected. Corrections can be provided with resolution compliance submission should approval be granted. 2. The edge of woods on the Survey Plan must be reversed. Except for the existing improvements, the front portion of the site has been cleared and the rear portion of the site has been left wooded. A revised survey can be provided with resolution compliance submission should approval be granted. 3. The existing framed garage and shed shown on the Survey Plan have not been indicated on either the Minor Subdivision Map or Improvement Plan. The existing structures to be removed can be added for resolution compliance submission should approval be granted. 4. The Survey Plan indicates elevations are based on an assumed datum. A bench mark must be provided. Horizontal datum should be specified. A revised survey can be provided with resolution compliance submission should approval be granted. 5. The General Notes of the Minor Subdivision Plan indicate coordinates are based on an assumed datum. The assumed vertical datum should be mentioned and a bench mark referenced. The General Notes on the revised Minor Subdivision Plan indicate assumed vertical and horizontal datum. A bench mark shall be provided with resolution compliance submission should approval be granted. 6. The Zoning Data should be revised to indicate the Minimum Aggregate Side Yard variance required for the combination of proposed Lots 61.01/61.02. The Zoning Data for Minimum Aggregate Side Yard shall be for the combination of proposed Lots 61.01/61.02, not the individual lots. The correction can be provided with resolution compliance submission should approval be granted. 7. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be required for each unit. The Improvement Plan shows a proposed circular driveway configuration for the future duplex which is an excellent design along a heavily traveled road. The circulation proposes the four (4) off-street parking spaces for each lot behind the circular driveway portion. Since the proposed lots are extremely deep, the duplex unit has been moved further back from the road to configure the parking in the front yard to provide adequate maneuverability. The proposed driveway and parking areas shall be properly dimensioned, including radii. Parking shall be provided to the satisfaction of the Board. A proposed ten foot (10') dimension should be added from the back of sidewalk to the circular driveway aisle. Proposed dimensions from the sides of the parking area to the side property lines should be added. This information can be provided with resolution compliance submission should approval be granted. 8. The Improvement Plan indicates basements will be proposed for the future dwellings on proposed Lots 61.01 and 61.02. Therefore, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. Parking shall be provided to the satisfaction of the Board. 9. Since basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table is greater than ten feet (10') as determined by Lines Engineering, LLC. However, the seasonal high water table information has not been provided. The information can be provided with resolution compliance submission should approval be granted. 10. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing, should approval be granted. 11. Three (3) "October Glory Maple" street trees are proposed within the shade tree and utility easements of Lots 61.01 and 61.02. Ten (10) "Japanese Holly" are proposed to break up the parking area. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation indicates the rear portion of the property is wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 61.01 and 61.02. The Board should provide landscaping recommendations, if any. 12. The applicant proposes to construct new curb, sidewalk, and driveway aprons along the property frontage of new Lots

61.01 and 61.02. The limits of proposed sidewalk and aprons shall be indicated. The existing sidewalk on neighboring properties will be matched. The limits of proposed aprons can be provided with resolution compliance submission should approval be granted. 13. The Improvement Plan shall be revised to provide proposed grades for the curb and gutter. Based on the Survey Plan, the gutter is very flat and drainage may be required. A Typical Half Pavement Section shall be provided to show the reconstruction limits with mill and overlay limits of the road to the centerline. The existing pavement is in poor condition and the proposed grading and utility connections will disturb more than twenty percent (20%) of the asphalt area. The Improvement Plan can be finalized for resolution compliance submission should approval be granted. 14. Testimony is required on the disposition of storm water from the development of proposed Lots 61.01 and 61.02. The property slopes northward toward the rear. The proposed grading requires revision since proposed runoff is being directed off-site. The General Notes on the Improvement Plan state that roof drains are to be directed to rear of the property. Recharge systems are proposed for storm water management. Final design will be reviewed after plot plan submittal, should approval be granted. 15. Testimony should be provided on proposed site grading. The proposed grading is indicated on the Improvement Plan and is directing runoff off-site. Proposed spot grades are required for the circular driveway area. Proposed grading revisions shall be submitted. The proposed site grading has been revised to minimize runoff being directed off-site. Final design will be reviewed after plot plan submittal, should approval be granted. 16. Compliance with the Map Filing Law is required. Statement of fact. 17. Construction Details on the Improvement Plan shall be revised in accordance with the conditions of any approvals. We will review the construction details after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service.

Mr. Vogt stated that variances are requested for minimum lot width and minimum aggregate side yard setback.

Mrs. Miriam Weinstein, Esq. on behalf of the application stated this is an application to subdivide one lot into two lots upon which a duplex will be constructed. All existing structures will be demolished. The mother lot contains more than double the required square footage for the R-10 zone but it is deficient in lot width. Even if the applicant constructed a single family home on this lot, a variance would be required for lot width. This is not a variance that is being necessitated by virtue of the fact that a duplex is proposed. With regard to the side yard setbacks, each side has a 10 ft side yard which is conforming. The engineer's letter states that a variance is required for aggregate side yard setback. Their position is that the ordinance requires a combined side yard setback of 25 ft, they are dealing with a zero lot line lot which means that the side yard setback on one side is zero. If there is zero on one side then you really don't have a combined. It would really be only on one side which would be the 10 ft. They do agree that technically it is a variance but that is the justification for granting it.

Mr. Flannery, P.E., P.P., was sworn in. He marked into evidence exhibit A-1 which is a copy of the plan, A-2 is the Percal Map, A-3 is a photograph of the area. He showed the Board surrounding areas with duplexes which required similar variances. He further explained that this area is in need of redevelopment and the benefits outweigh the detriments. Four parking spaces

will be provided per unit. All of the other comments in the engineer's letter can be satisfied during resolution compliance.

Mr. Schmuckler likes the turnabout they have proposed in the front. He doesn't specifically have a problem with this plan because the neighbors next door have the same plan but he doesn't like the argument for the side yard setback variances.

Mr. Neiman opened to the public, seeing no one he closed to the public.

A motion was made by Mr. Banas, seconded by Mr. Follman to approve the application. Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 3. SD 1902** (Variance Requested)
Applicant: Abraham Soloff
Location: 60 Carasaljo Drive Lot 140, 141, & 142
Block 12.04
Minor Subdivision to create 2 lots

Project Description

The applicant is proposing to subdivide an existing residential property into two (2) single family residential lots. The site, consisting of existing Lots 140 through 142 in Block 12.04 would be subdivided into proposed Lots 140.01 and 140.02 as designated on the subdivision plan. The existing tract is irregular in shape containing 73,546 square feet, or 1.69 acres and has an existing two-story dwelling with a pool and pool house. The subdivision would create two (2) new proposed irregular lots. Proposed Lot 140.01 would be for a new building lot. Proposed Lot 140.02 would be a remainder lot and still contain the existing dwelling, pool, and pool house. Some of the existing chain link fence which would encroach onto new Lot 140.01 would be removed and relocated. The site is situated in the northwestern portion of the Township on the south side of Carasaljo Drive, east of Forest Drive. The property around the vicinity of the existing dwelling has been cleared; otherwise, much of the land remains wooded. Many trees exist on the site, some of which are quite large. The property slopes generally downward towards a gully which runs across the southern half of the property behind the existing dwelling and pool. The gully contains freshwater wetlands which are shown to be delineated by Trident Environmental Consultants. A fifty foot (50') wide transition area is proposed from the wetlands limit line. Carasaljo Drive is an improved municipal road with a fifty foot (50') right-of-way and a pavement width of approximately twenty-four feet (24'). The street is in fair condition. Bituminous curb exists in front of the property, except for at the low point which allows runoff to flow from the roadway through a ditch on the east side of the property to the wetlands. Sidewalk does not exist in front of the property. However, both new curb and sidewalk is proposed for this project. Potable water and sanitary sewer are both available. Overhead electric is present on the south side of the right-of-way. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are residential. A minimum lot width variance for proposed Lot 140.01 would be required to create this subdivision. The proposed subdivision line has been designed such that proposed Lot 140.02 with the existing dwelling would remain totally conforming. We have the following comments and recommendations per testimony provided at the 9/10/13 Planning Board Plan Review Meeting

and comments from our initial review letter dated August 22, 2013: I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, a variance is required for Minimum Lot Width – New Lot 140.01, sixty-six feet (66') proposed, ninety feet (90') required – proposed condition. The Board shall take action on the required lot width variance. 3. The applicant must address the positive and negative criteria in support of the requested variance. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. An Outbound and Topographic Survey has been provided for Lots 140 through 142. The survey should be revised to include the following: a. Bearings and distances of all lot lines. b. Areas of the individual lots. c. Bearings and distances for the wetlands limit lines. d. Tie distances from existing property corners to the intersections of the wetlands limit lines with property lines. e. Adding existing sidewalk and curb to the east of the site in front of Lot 139. f. Showing the limits of bituminous curb in front of the site. g. Showing the location of the existing low point along the south side of the Carasaljo Drive gutter. A Survey without a revision date has been submitted. Should approval be granted, a revised Survey must be provided with resolution compliance submission correcting the following: a. The 106.00 foot dimension is incorrectly shown as a tie distance to a wetlands limit line, where it is actually the total distance of common rear property lines of Lots 140 and 141. b. The existing sidewalk and curb to the east of the site in front of Lot 139 must be added for future improvement connections. 2. A sliver of the existing asphalt driveway serving Lots 140 through 142 encroaches onto neighboring Lot 143. Any approvals shall be conditioned upon rectifying this encroachment. The revised plan indicates the asphalt encroachment to be eliminated. 3. The Minor Subdivision shows a fifty foot (50') wide transition area associated with the wetlands limit line. Bearings and distances shall be added to the transition area limit and the intersection of this line with property lines tied to property corners. Pins shall be proposed for all intersecting points and changes in direction. Any approvals shall be subject to a Letter of Interpretation from the New Jersey Department of Environmental Protection. Bearings and distances have been added to the transition area limit line with ties to property corners. Should approval be granted, the following must be provided with resolution compliance submission: a. The dimensions crossing the proposed lot line shall be broken down into the distances for each respective lot. b. Pins shall be proposed for all intersecting points and changes in direction on the transition area limit line north of the wetlands. c. A Transition Area Waiver for the storm water outfall appears necessary from the New Jersey Department of Environmental Protection. 4. According to our investigation, we believe a Category One Waterway is associated with the wetlands crossing the site. However, no riparian buffers are shown. Testimony should be provided. A General Note has been added that the subject property is within a three hundred foot (300') riparian buffer. 5. The bench mark shown on the survey must be provided on the Minor Subdivision Plan which indicates an assumed vertical datum. This information can be provided with resolution compliance submission should approval be granted. 6. A portion of the existing chain link fence which would encroach onto proposed Lot 140.01 would be removed and some of it relocated onto proposed Lot 140.02. The proposed subdivision line is being set to hold a minimum ten foot (10') side yard to the existing dwelling to remain on proposed Lot 140.02. The proposed lot areas shall be corrected for resolution compliance submission should approval be granted. 7. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Zoning Data indicates that four (4) off-street parking spaces are required and being provided. The proposed asphalt driveway shown

on the Improvement Plan for new Lot 140.01 is large enough to accommodate four (4) vehicles. The existing asphalt driveway for new Lot 140.02 is large enough for more than four (4) vehicles. Testimony should be provided on the number of bedrooms anticipated for the proposed dwelling on new Lot 140.01. Testimony on off-street parking shall be provided. 8. The General Notes on the Improvement Plan require editing. General Note #9 indicates that seasonal high water table will be determined prior to plot plan submission. A minimum two foot (2') separation must be provided from seasonal high water table for the walkout basement proposed for the new dwelling. Testimony should be provided on whether the basement proposed will be unfinished. General Notes #10 and 11 require editing on the revised Improvement Plan. The corrections can be provided with resolution compliance submission should approval be granted. 9. The Improvement Plan shows proposed dimensions for the size and location for the construction of curb and sidewalk. However, the plan must be revised to meet the existing curb and sidewalk to the east of the site. The proposed sidewalk in front of the site has been designed to be five feet (5') wide. The proposed half width pavement dimension of fifteen feet (15') is not valid. The actual road width will be determined by meeting the existing curb to the east of the site. Corrections to the Improvement Plan can be provided with resolution compliance submission should approval be granted. 10. The proposed concrete curb construction and widening of Carasaljo Drive will create a low point in front of new Lot 140.01. Therefore, drainage must be constructed. A proposed drainage easement is recommended on proposed Lot 140.01 to allow storm water to flow to the wetlands, similar to the current situation. Department of Public Works approval will be required and the proposed width of the drainage easement will be determined by DPW. The revised Improvement Plan proposes an inlet on Carasaljo Drive with piping to a flared end section discharging storm water into the wetlands transition area. Should subdivision approval be granted, the following must be addressed with resolution compliance submission: a. The proposed elevations for the new inlet require correction and the gutter flow westward must be designed with a greater slope. b. A drainage easement shall be proposed. The side yard setback for proposed Lot 140.01 should be minimized to maximize the width of the drainage easement. c. Department of Public Works approval will be required. 11. Testimony should be provided on the disposition of storm water management for the proposed development of new Lot 140.01. Testimony on storm water management should be provided for proposed Lot 140.01. The Improvement Plan only addresses storm water management for Carasaljo Drive. 12. The Improvement Plan shows proposed site grading. Unless storm drainage is added to new Lot 140.02, the proposed lot grading must be revised to eliminate a low point being created in the front yard. Corrections to the proposed site grading can be provided with resolution compliance submission should approval be granted. 13. New lot numbers should be assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. The map shall be signed prior to filing, should approval be granted. 14. Three (3) Red Maple shade trees are shown within the proposed six foot (6') wide shade tree and utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The Board should provide landscaping recommendations, if any. 15. Our site investigation indicates many large trees on the property which have been located in the future building area. The Improvement Plan should be revised to indicate the large trees to be removed. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lot 140.01. A revised Improvement Plan adjusting the dwelling location, grading, and tree removal can be provided with resolution compliance submission should approval be granted. 16. Compliance with the Map Filing Law is required. Statement of fact. 17.

Construction details have been included on the Improvement Plan. Construction details will be reviewed after plan revisions are submitted. The construction details will be impacted by conditions of approval imposed by the Board. Therefore, we will review the construction details after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Lakewood Department of Public Works; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Environmental Protection; and f. All other required outside agency approvals.

Mr. John Doyle, Esq. on behalf of the applicant. He stated that this is a two lot subdivision. A map was displayed to the Board showing the surrounding areas which also have nonconforming lots. This application proposes to take an existing house and put a new lot line so that the existing house and the lot it sits on would be entirely conforming. The balance of the land would be used for a second lot to construct a home that would conform with all of the bulk requirements. Due to the narrowness resulting from the larger house on the initial lot, it would need a lot width variance. Curbs and sidewalks will be provided. The drainage issue will be addressed and resolved.

Mr. Brian Flannery, P.E., P.P. was sworn in. The applicant intends to put a nice house fitting in with the character of the neighborhood. The upland lot has over 13,000 sf of area. As John said, curbs and sidewalks will be provided and the drainage issue will be fixed.

Mr. Doyle would like to ratify the drainage issue without touching the wetlands and dealing with the State.

Mr. Vogt said that as long as you stay out of the wetlands buffer and still have positive drainage, that is fine.

Mr. Schmuckler suggested putting the 15 ft side yard setback between the two proposed lots to separate the houses better.

Mr. Flannery likes that suggestion.

Mr. Banas would like to see the map oriented properly.

Mr. Neiman asked about the wetlands.

Mr. Flannery said it is R-12 with 13,000 sq sf and there is more than enough space.

Mr. Neiman opened to the public, seeing no one he closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application
Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 4. SD 1903** (Variance Requested)
Applicant: 1416 East Spruce Street LLC

Location: Spruce Street
Block 855.02 Lot 31.01 & 31.02
Minor Subdivision to realign lot line

Project Description

The applicant seeks minor subdivision approval to realign existing lot lines in order to eliminate a flag lot and create two (2) rectangular single family residential lots. An existing 150' X 300' rectangular property totaling forty-five thousand square feet (45,000 SF) or 1.03 acres in area is known as existing Lots 31.01 and 31.02 in Block 855.02. Existing Lot 31.01 is a rectangular 130' X 166.67' tract containing 21,667 square feet with a one-story dwelling and a shed. Existing Lot 31.02 is a vacant 23,333 square foot flag lot with twenty feet (20') of frontage. The proposed realignment of the existing property lines would create two (2) single family residential lots of equal dimension and size. The two (2) proposed rectangular lots would be 75' X 300' twenty-two thousand five hundred square foot (22,500 SF) properties designated as new Lots 31.01 and 31.02 on the subdivision plan. The proposed lots would each have seventy-five feet (75') of frontage on East Spruce Street. The site contains an existing one-story dwelling and a shed. All existing improvements are to be removed. Public water has recently been constructed on the north side of East Spruce Street, but is still far from this site. Public sewer is not available. The site is situated in the central portion of the Township on the southwest side of East Spruce Street, southeast of its intersection with Albert Avenue. East Spruce Street is a paved municipal road in good condition without existing curb and sidewalk in front of the site. The existing right-of-way width is fifty feet (50') with a pavement width of approximately twenty-eight feet (28'). Construction of sidewalk is proposed with this application, but curb is not. Existing utility poles with overhead electric are located on the north side of East Spruce Street. Gas is also available to the site. The Survey and Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping northeastwards. In addition to the dwelling and shed, fences, a well, a septic system, and a driveway have been located. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are entirely residential. Waivers and variances are being requested for the realignment of proposed Lots 31.01 and 31.02. We have the following comments and recommendations per testimony provided at the 9/10/13 Planning Board Plan Review Meeting and comments from our initial review letter dated August 27, 2013: I. Zoning 1. The parcels are located in the R-20 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Width (proposed Lots 31.01 and 31.02, 75 feet; 100 feet required) – proposed condition. The Board shall take action on the required lot width variances. 3. Per review of the Minor Subdivision Map, the following waiver is required: • Construction of curb along the project frontage. It should be noted that all other minor subdivision applications approved on this street have been required to construct curb. The Board shall take action on the waiver requested from the construction of curb. 4. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A benchmark must be provided on the Minor Subdivision Plan. A better selection for a benchmark can be provided with resolution compliance submission should approval be granted. 2. General Note #3 should be edited. The General Note shall be revised to reference the two (2) existing lot lines to be eliminated with

resolution compliance submission should approval be granted. 3. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The proposed driveways on the Improvement Plan must be dimensioned to show that the parking configuration will provide at least four (4) off-street parking spaces per lot. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. Durable surface driveways will be required. The revised plans depict proposed asphalt driveways. Dimensions can be provided with resolution compliance submission should approval be granted. 4. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing, should approval be granted. 5. A proposed Green Vase Zelkova street tree is shown on the Improvement Plan within the shade tree and utility easement. It appears existing trees will remain within the proposed easement area. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes the larger existing trees on-site have been located on the Survey and Improvement Plan. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. The Board should provide landscaping recommendations, if any. 6. The General Notes on the Improvement Plan indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. Statement of fact. 7. The proposed dwellings on new Lots 31.01 and 31.02 would be substantially setback from East Spruce Street to allow septic systems to be constructed in the front yard. The existing septic system for old Lot 31.01 would be abandoned. Approvals will be required from the Ocean County Board of Health. Statements of fact. 8. Proposed wells for the future dwellings on new Lots 31.01 and 31.02 would be in the rear yards. The existing well which services the dwelling to be removed from old Lot 31.01 would be abandoned. Approvals will be required from the Ocean County Board of Health. Statements of fact. 9. Drywells are proposed to address storm water from the development. Drywells shall be sized at the time of plot plan submission. Statements of fact. 10. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and proposed slopes should be increased. The existing site is very flat. The existing trees to be removed should be indicated. A revised Improvement Plan with a better proposed grading design showing trees to be removed can be provided with resolution compliance submission should approval be granted. 11. A proposed gutter reconstruction design is required along East Spruce Street to provide adequate slope for drainage. The revised plan provides an adequate gutter slope. The proposed gutter reconstruction design shall be squared off to a consistent seven foot (7') width with resolution compliance submission should approval be granted. 12. Compliance with the Map Filing Law is required. Statement of fact. 13. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. We will review the construction details after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (potable wells and septic systems); and e. All other required outside agency approvals.

Mr. John Doyle, Esq. on behalf of the applicant. He stated the lots currently have a flag lot configuration. They would like to change it to a consistent rectangular configuration for two lots.

They will need frontage variances though they have the size. It is a similar variance that was given for surround lots as shown on a map presented to the Board. They will provide sidewalks but do ask for a waiver with respect to the curbing which has been consistent with the recent lots that have been developed in the area.

Mr. Neiman opened to the public, seeing no one he closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application. Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 5. SD 1904** (Variance Requested)
Applicant: HD Trust
Location: 715 Monmouth Ave & 28 Eighth Street
Block 156 Lot 2, 3, & 4
Minor Subdivision to create four lots

Project Description

The applicant seeks minor subdivision approval to create a single family residential lot, two (2) zero lot line properties for a duplex, and a new lot for an existing two-family dwelling to remain. The existing irregular property totaling thirty thousand square feet (30,000 SF) or 0.69 acres in area is known as existing Lots 2 through 4 in Block 156. The existing lots contain a couple of dwellings and have frontages on Monmouth Avenue and Eighth Street. Existing Lot 1, which is not part of this project, prevents the site from being a corner property. Existing Lot 2 is an "L-shaped" tract around the two (2) non-right-of-way sides of Lot 1, and contains four thousand seven hundred fifty square feet (4,750 SF) with a two-story dwelling. This lot has fifty feet (50') of frontage on Monmouth Avenue and ten feet (10') of frontage on Eighth Street. Existing Lot 3 is an "L-shaped" property around two (2) sides of Lot 2, contains seventeen thousand seven hundred fifty square feet (17,750 SF), and is mostly vacant except for the existing backyard fence from the dwelling on Lot 2. This lot has seventy-five feet (75') of frontage on Monmouth Avenue and sixty-five feet (65') of frontage on Eighth Street. Existing Lot 4 is east of Lot 3 and is a 50' X 150', seven thousand five hundred square foot (7,500 SF) rectangular lot with a one-story dwelling. This lot has fifty feet (50') of frontage on Eighth Street. The proposed subdivision of the existing property lines would create two (2) zero lot line properties totaling twelve thousand five hundred square feet (12,500 SF) for a future duplex, a rectangular 50' X 150' seven thousand five hundred square foot (7,500 SF) lot for a future single family residence, and an irregular ten thousand square foot (10,000 SF) lot for an existing one-story two-family dwelling to remain. The two (2) proposed zero lot line properties would become new Lots 2.01 and 2.02. Proposed Lot 2.01 would have 37.50 feet of frontage on Monmouth Avenue and fifty-five feet (55') of frontage on Eighth Street. The proposed unit would face Monmouth Avenue. Proposed Lot 2.02 would be a rectangular lot with 37.50 feet of frontage on Monmouth Avenue. Proposed Lot 2.03 would become a 50' X 150' seven thousand five hundred square foot (7,500 SF) rectangular property for a future single-family dwelling fronting Monmouth Avenue. New Lot 2.04 on the subdivision plan would become an irregular ten thousand square foot (10,000 SF) tract for the existing two-family dwelling fronting on Eighth Street. Public water and sewer is available, as well as gas and overhead electric. The site is situated in the northern portion of the Township on the east side of Monmouth Avenue and the south side of Eighth Street. Eighth Street is a paved municipal road with a sixty foot (60') right-of-way, which has been turned into a

cul-de-sac at this location to eliminate a five-way intersection. Monmouth Avenue is a wide paved municipal road where the existing right-of-way width is eighty feet (80') with a pavement width of approximately fifty-five feet (55'). Curb and sidewalk in fair condition exists across the site frontages. The Survey and Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping to an existing onsite depression. The proposed lots are situated within the R-M Multi-Family Residential Zone. The surrounding uses are mostly residential. We have the following comments and recommendations per testimony provided at the 9/10/13 Planning Board Plan Review Meeting and comments from our initial review letter dated August 27, 2013: I. Zoning 1. The parcels are located in the R-M Multi-Family Residential Zone District. Single Family Detached Housing, Two Family Housing, and Duplex Housing are all permitted uses in the zone. Statements of fact. 2. Per review of the application, the following two (2) variances are being requested: • Minimum Lot Area (proposed Lot 2.02, 4,875 square feet; 5,000 square feet required) – proposed condition. • Maximum Building Coverage (proposed Lot 2.02, 38.5%; 30% permitted) – proposed condition. However, the combination of proposed Lots 2.01/2.02 (zero lot line property) is twelve thousand five hundred square feet (12,500 SF), which exceeds the ten thousand square foot (10,000 SF) minimum. Furthermore, the proposed size of the duplex building (3,750 SF) would be thirty percent (30%) of the area for the combination of new Lots 2.01/2.02. Therefore, we find the proposed zero lot line properties would be conforming and no variances required. 3. The Survey shows an existing one-story dwelling on old Lot 4, which our site investigation confirms. The Minor Subdivision Plan indicates this same building to be an existing two-story, two-family dwelling to remain on proposed Lot 2.04. This discrepancy must be addressed. The Minor Subdivision Plan has been corrected to indicate the existing two-family dwelling to remain is one-story. The Improvement Plan shall be corrected with resolution compliance submission should approval be granted. 4. Per review of the Minor Subdivision Map, it appears no waivers are required. The applicant's engineer indicates that a waiver is being sought for the proposed six foot (6') high solid vinyl fence within the Eighth Street front yard setback of new Lot 2.01 shown on the Improvement Plan. The Board shall take action on the waiver request. II. Review Comments 1. An Outbound and Topographic Survey has been provided for Lots 2 through 4. The survey should be revised to include the following: a. Bearings and distances of all lot lines. b. Areas of the individual lots. c. All signs, poles, and chain link fencing along the Eighth Street frontage. d. Identification of an existing line drawn between the curb and sidewalk in front of Lot 4. A revised survey without a revision date has been submitted. A revised survey with all signs and poles located along the Eighth Street frontage shall be provided with resolution compliance submission should approval be granted. 2. The benchmark shown on the Survey must be provided on the Minor Subdivision and Improvement Plan. The benchmark shown on the Survey has only been added to the Improvement Plan. The benchmark shall be provided on the Minor Subdivision with resolution compliance submission should approval be granted. 3. General Note #5 should indicate that the property is situated in the Multi-Family Residential Zone. The edited note shall be provided with resolution compliance submission should approval be granted. 4. The Requirements of the R-M Zone shall be edited. Three (3) scenarios shall be used in accordance with Section 18-902H.4., of the UDO; Single Family Standards, Two Family Standards, and Duplex Regulations. The following corrections shall be provided with resolution compliance submission should approval be granted: a. The required minimum lot width for a two-family should be fifty feet (50'). b. The minimum lot width for proposed Lot 2.04 should be listed in the row for two-family, not duplex. c. The maximum building coverage should be shown for the combination of proposed Lots 2.01/2.02. 5. The limits of existing improvements to be removed shall be clarified. Any encroachments shall be eliminated. At a minimum, the

following can be shown with resolution compliance submission should approval be granted: a. Removal of existing chain link fence encroaching into the right-of-way. b. Limits of sidewalk replacement along Monmouth Avenue. c. Removal of the portion of driveway apron behind the curb being replaced on Eighth Street. d. The status of the existing utility pole shown on proposed Lot 2.03. 6. Proposed outbound corner monuments shall be added. The proposed outbound corner markers shall be offset where necessary. The proposed outbound corner monuments can be added for resolution compliance submission should approval be granted. 7. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The proposed driveways on the Improvement Plan have been dimensioned to show that the parking configuration will provide at least four (4) off-street parking spaces per lot. The existing driveway on proposed Lot 2.04 is long enough to accommodate four (4) vehicles. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is required. Off-street parking shall be to the satisfaction of the Board. 8. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing should approval be granted. 9. The Improvement Plan provides a Deciduous Tree Planting Detail. However, proposed street trees are not shown on the Improvement Plan within the shade tree and utility easement. Unless a waiver is granted, proposed street trees are required. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes the larger existing trees on-site have been located on the Survey and Improvement Plan. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. A large existing tree which is displacing the curb and sidewalk along Monmouth Avenue would be removed for a proposed driveway apron. The revised Improvement Plan proposes three (3) Green Vase Zelkova shade trees within the shade tree and utility easement along Monmouth Avenue. There are existing trees within the proposed shade tree and utility easement along the Eighth Street frontage. However, a shade tree should be added within the proposed easement for new Lot 2.04. The additional shade tree can be provided for resolution compliance submission if approval is granted. 10. The General Notes on the Improvement Plan indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. Statement of fact. 11. Drywells are proposed to address storm water from the development. Drywells shall be sized at the time of plot plan submission. Drywell sizing shall also account for proposed individual lot drainage. 12. Proposed grading is indicated on the Improvement Plan. As mentioned previously, the existing site slopes to an onsite depression. The proposed grading and drainage scheme must be revised. Proposed runoff will be transported across other lots. In addition, runoff will be trapped in the corner of neighboring Lot 1 by the proposed retaining wall on new Lot 2.01. It is also not clear whether it is intended to remove all the large trees in the Eighth Street front yard of proposed Lot 2.01. Proposed storm drainage would be required to save these trees. The existing trees to be removed should be indicated on the Improvement Plan. A better proposed grading scheme has been designed. Large trees are being preserved and runoff across lot lines has been reduced. Should approval be granted resolution compliance must still address the following: a. Proposed individual lot drainage. b. The trapping of runoff in the corner of neighboring Lot 1 by the proposed retaining wall on new Lot 2.01. 13. The existing detectable warning surface along the Eighth Street frontage requires replacement. The applicant's engineer indicates the plans will comply for resolution compliance submission should approval be granted. 14. No existing curb and

sidewalk is being replaced along the Eighth Street frontage of the project. The wide driveway apron servicing neighboring Lot 1 and existing Lot 2 is not being reduced in size. The applicant's engineer indicates the plans will be properly revised with resolution compliance submission should approval be granted. 15. The existing concrete sidewalk along Monmouth Avenue shall be replaced with driveway aprons where the new driveways are proposed. Consideration should be given to replacing all the curb and sidewalk along the Monmouth Avenue project frontage because of the amount of anticipated disturbance. The revised Improvement Plan notes existing sidewalk along Monmouth Avenue shall be replaced. Should approval be granted the following revisions should be submitted for resolution compliance: a. The limits of proposed sidewalk should be shown. b. Proposed concrete aprons should extend to the back of adjacent sidewalk. c. A note should be added that concrete curb shall be replaced at the direction of the Township Engineer. 16. A proposed gutter reconstruction design is required along Monmouth Avenue for curb replacement and to provide adequate slope for drainage. The design and detail can be provided with resolution compliance submission should approval be granted. 17. Compliance with the Map Filing Law is required. Statement of fact. 18. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. We will review the construction details after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey American Water Company; and e. All other required outside agency approvals.

Mr. John Doyle, Esq. on behalf of the applicant. He stated that no variances are being requested. He said this is a local redevelopment project. It is a very irregular shaped lot with 30,000 sq ft. The existing house will be demolished and a duplex will be built on two conforming lots. A waiver is being requested for the proposed 6 ft high solid vinyl fence within the Eighth Street front yard setback of new lot 2.01.

Mr. Vogt said on zero lot line projects where there are two units together where you have an asymmetrical property, it is allowed to have one larger lot that has a smaller coverage and have a smaller lot that proportionally has an increased cover if the aggregate of the two properties meet the standard.

Discussion ensued concerning the zero lot line ordinance 18-911 subsection d.

Mr. Neiman opened to the public, seeing no one he closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application. Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 6. SP 1954A** (Variance Requested)
Applicant: Harley Davidson of Ocean County
Location: Route 70
Block 1086 Lot 16

Amended Preliminary & Final Site Plan for proposed addition to existing motorcycle dealership building with associated site improvements.

Project Description

The applicant is seeking Amended Site Plan approval for the construction of the following: • A thirteen thousand four hundred fifty square foot (13,450 SF) building addition. • Two (2) additions totaling one thousand three hundred two square feet (1,302 SF), squaring off the front of the building for sales support area. • An additional sixty-four (64) stall paved parking area to the rear of the existing facility. • Striping to provide an additional handicap accessible parking space within the existing parking area. • Approval of an outdoor seasonal tent. The site is in the southern portion of the Township and fronts on Route 70 and Locust Street, east of Vermont Avenue. Access to the site is afforded from the Route 70 frontage, Route 70 is a State Highway. No access is provided along the Locust Street side of the site, Locust Street is a County Road. The property contains 4.701 acres. A one-story building exists on-site with associated parking and site improvements. Some of the wooded area existing on the site will be removed for the proposed building addition and parking lot. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the increase in impervious area proposed for the site. Except for the adjacent site to the west, the surrounding lands and roadways are all improved. Sidewalk does not exist along the frontages because of the nature of the use which does not lend to pedestrian traffic. I. Zoning 1. Per review of the site plans and application, the following design waivers are required: • No curb and sidewalk has been proposed along any of the site frontages. • No shade tree and utility easements have been provided along any of the site frontages. • No shade trees have been provided along any of the site frontages. These same design waivers were granted for the last site plan approval under Resolution SP# 1954. It should be noted the County granted approval to this project with no improvements along Locust Street provided that a note be added to the plan indicating access to Locust Street is strictly prohibited. A note has been added indicating that no site access shall be provided connecting to or fronting upon Locust Street. The Board shall take action on the required design waivers. 2. The revised plans propose a new variance for Side Yard Setback. The proposed side yard setback for the addition matches the existing side yard setback for the building addition approved by Resolution SP #1954. The proposed side yard setback for the new building addition will be 31.2 feet, whereas fifty feet (50') is required. 3. The revised plans propose a new variance for Aggregate Side Yard Setback. As mentioned previously, the proposed building addition matches the existing side yard setback for the building addition approved by Resolution SP #1954. Therefore, the proposed aggregate side yard setback for the new building addition will be 82.2 feet, whereas one hundred feet (100') is required. 4. The revised plans request approval of an outdoor seasonal tent. Based on the UDO definitions, the seasonal tent would be a Temporary Accessory Structure. The tent shown on the plans has a side yard setback of 25.2 feet, whereas thirty feet (30') is required. Therefore, a variance would be required. II. Review Comments A. Site Plan/Circulation/Parking 1. General Note #13 lists a Parking Tabulation based on ordinance requirements. The number of off-street parking spaces is being increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). Testimony must be provided as to how the parking complies with the UDO. The Off-Street Parking Calculations indicate that one hundred thirty eight (138) spaces are required. Testimony should be provided on the parking tabulation. 2. Testimony must be provided on additional anticipated site traffic from the increase in the number of parking spaces. A summary traffic report may be necessary. Testimony should be provided on additional site traffic from the increase in the number of parking spaces. 3. Testimony should be provided by

the applicant's professionals as to existing and proposed site operations. General Note #14 lists the existing dealership's hours of operation. Testimony should be provided as to the proposed site operations. 4. The Zoning Requirements list a building height of thirty-five feet (35'). The architectural plans submitted show a building height of just over thirty-five feet (35'). The Zoning Requirements Table should show a building height of thirty-five feet, three and a half inches (35'-3.5"). In any event, the actual height is substantially less than the fifty feet (50') permitted. 5. Complete existing and proposed building dimensions shall be added to the site plan. The dimensions shall be completed and match on both the site plans and architectural plans. 6. The site plan shows existing dumpsters to be relocated. The dumpsters will be enclosed by a six foot (6') masonry block wall to match the building and a self closing chain link gate. Unless waived by the Board, all relocated dumpsters shall be landscaped screened and designed in accordance with Section 18-809.E., of the UDO. Construction details have been provided. The dumpster enclosure has been revised to have self closing steel panel gates instead of the previously specified chain link. Landscape screening has been added. Corrections are required to the construction detail. A detail note indicates a shop drawing will be provided. 7. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The plans indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment and special events equipment. The General Notes state that the containers shall be screened at the direction of the review engineer and planning board. Screening should be proposed. 8. The future status of the existing metal canopy on the front of the building should be addressed. The canopy is not shown on the architectural drawings. The canopy shall be added to the architectural elevations. Dimensions shall be provided on the site plans and the front yard setback dimension corrected if necessary. 9. All building access points must be shown on the site plan. Coordination is required between the site plans and architectural plans. Final coordination between the site plans and architectural plans is required. The Left Elevation on the architectural plans is not accurate. B. Architectural 1. The plans need to better delineate between what exists and is proposed. All dimensioning should be completed. Testimony should be provided on the proposed floor area usage. Final architectural plans will be required for resolution compliance submission, should site plan approval be granted. 2. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Air handler equipment at ground level is shown on the site plans and architectural plans. Vegetative screening should be provided. The revised architectural plans indicate that roof-mounted HVAC equipment shall be screened. Since the air handler equipment is located entirely within an existing paved area, no vegetative screening is proposed. The building effectively screens the air handler from the adjacent residential property. 3. Proposed utilities must be addressed. Our site investigation notes existing utilities in different locations than indicated on the Survey. Proposed utility connections shall be coordinated and submitted to the Lakewood Township Municipal Utilities Authority for approval. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed in detail after resolution compliance submission should approval be granted. D. Storm Water Management 1. The low values for the runoff coefficients of the pervious areas must be justified in the calculations. Additional storage for the recharge system may be required. Higher runoff coefficients should be used as a factor of safety for the proposed storage volume of the recharge system. A runoff coefficient of 0.30 is recommended for pervious area. A revised Storm Water Management Report can be provided with resolution compliance submission should approval be granted. 2. A new Ocean County Soil Conservation

District Soil Erosion and Sediment Control Certification will be required. The certification provided in the Storm Water Management Report is from the previous site plan approved under Resolution SP# 1954. Statements of fact. 3. A Storm Water Management Facilities Maintenance Plan has been provided as an appendix in the submitted Storm Water Management Report. The Plan confirms operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Maintenance Plan will be reviewed in detail during compliance submission should approval be granted. The Storm Water Management Facilities Maintenance Plan will be reviewed in detail with resolution compliance submission should approval be granted. E. Landscaping 1. A Landscaping Plan has not been provided and is required unless a waiver is granted by the Board. At a minimum, we recommend a partial Landscaping Plan be provided for the various improvements that should be screened. Proposed landscaping should be provided on a plan sheet which shows other construction improvements to insure planting installation in the correct locations and to prevent conflicts. 2. Landscape screening shall be designed around the air handler, proposed dumpster enclosure, and around the equipment containers as indicated in the General Notes. Landscape screening has been provided around the proposed dumpster enclosure. We concur that landscape screening will not be practical around the air handler since it is surrounded by either pavement or building. We still recommend landscape screening around the equipment containers to aesthetically screen the containers from the proposed rear parking lot. Visibility from the rear of the building to the rear parking area is limited. Therefore, eliminating the screening for security purposes is unnecessary. F. Lighting 1. A supplemental lighting plan has been provided. Two (2) proposed twenty-five foot (25') high lighting fixtures are shown within the paved parking area. The previous approval indicated that the only lighting proposed for the rear parking area is security lighting. When the dealership is not operating, the lights will be turned off. Therefore, the point to point diagram indicates the proposed site lighting will be deficient with respect to the ordinance requirements. Construction details for proposed lighting will be reviewed in during compliance submission should site plan approval be granted. The applicant's attorney testified at the Plan Review Meeting that they will request lower levels on the lighting than the ordinance requires for respect of the neighboring properties. The Board will need to take action on any design waivers requested. 2. The overall lighting design is subject to review and approval by the Board. Final review of the lighting design will be undertaken after resolution compliance submission should approval be granted. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan does not correctly show the existing public water and sewer services which must have been altered when the addition which received the Site Plan Exemption was constructed. The proposed building addition will require an alteration to the water service at a minimum. LTMUA approval is required. LTMUA approval shall be sought as required. H. Signage 1. No proposed signage information is provided. However, the site previously received a setback variance for the existing free standing sign. A full signage package for any new free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. No new freestanding or building signage is proposed on the drawings. Testimony regarding signage shall be provided. I. Environmental 1. A Tree Protection Management Plan has been provided. Revisions to the plan are necessary which we can review with the applicant's engineer. Since the project is commercial, it is our interpretation based on the current plan that the applicant shall either pay a fee of \$1,572.00 based on 0.786 acres of clearing, or plant four (4) replacement trees of two inch (2") diameter or greater based on four (4) trees per acre. Revisions to the Tree Protection Management Plan are required can be provided with resolution compliance submission, should

approval be granted. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. Final review of construction details will take place after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. Lakewood Township Municipal Utilities Authority; and f. All other required outside agency approvals.

Mr. Edward Liston, Esq. on behalf of the applicant said they have changed the plan in an effort to address concerns of the neighbors. In doing that, a variance was created.

Mr. Tim Lurie, P.E., P.P. was sworn in. He said they are proposing additions on the main building. Two additions totaling 1,302 sq ft in the front to square the building off. Another 13,450 sq ft addition is proposed which would relocate the service area to the rear of the site. As a result of this, the parking has been increased to 146 spaces. To address some of the neighbors concerns they are proposing an 8 ft high privacy fence along the 50 ft buffer as well as a row of evergreen trees along the fence line. The parking lot will have two 25 ft security lights. A waiver is being requested for light intensity as a result of concerns from the neighbors.

Mr. Lurie said where the proposed addition area along the eastern side of the property is a paved area with doors where they put motorcycles for storage. They have decided to enclose this area and this will enable no access along this side of the building.

Mr. Liston said there will be no motor vehicle access along the side that adjoins the neighbors.

Mr. Lurie said that is correct.

Mr. Liston said there will be no back and forth of motor vehicles on that side.

Mr. Neiman said that is why the applicant is asking for this variance in order to keep the noise inside as opposed to outside.

Mr. Liston said that is correct. In order to accomplish that, there is already a variance in that area for the existing building which they are asking to be enlarged and extended. That will allow them to not use any front to back or back to front motor vehicle access along the condominiums.

Mr. Lurie said per the township ordinance, you would need approximately 160 spaces based on the total square footage. He broke down the parking based on the different uses of the site. The retail automotive showroom is 15,108 sq ft needs one space per 200 sq ft which equals 76 spaces. The service area is 7,486 sq ft needs one space per 1,000 sq ft which equals 8 spaces. The parts and storage area is 13,450 sq ft needs 15 spaces including 40 employees which brings the total to 138 spaces required. The total proposed is 146 spaces. If the whole retail showroom was utilized they would need 170 spaces.

Mr. Liston asked if it is fair to say that they are trying to minimize the impervious cover, to comply with the Lakewood ordinance and at the same time locate the parking in such a way that it is not as large as it could be and as far away from the condo area that they could possibly make it.

Mr. Lurie agrees with that.

Mr. Lurie said concerning the C-2 variance, the benefit outweighs the detriment as such enclosing an area which would eliminate lights and noise on the east side of the building. This will further help the adjoining neighborhood. There is an outdoor tent which is an accessory structure. The side setback required is 30 ft. The current location is 25.5 ft off the side setback. That is an area where the employees go out and eat outside.

Mr. Neiman asked about the use of that tent.

Mr. Lurie said it is a combination of an area outside where they would meet. There do registrations there when they have an event.

Mr. Neiman asked if it will be permanent.

Mr. Liston said yes. It is not used all the time. It is used when there are events or to park motorcycles for display purposes and to allow the people to eat outdoors on a nice day.

Mr. Neiman asked if the township ordinance allow for tents on this area.

Mr. Vogt is not sure whether it allows or prohibits.

Mr. Jackson asked if they are asking for this as part of the site plan approval.

Mr. Liston said that is correct. It is not permanent in the sense that if a winter storm is coming they could take it down so it doesn't collapse.

Mr. Jackson said they are planning on keeping it on a longer term basis.

Mr. Liston said on a longer term bases seasonally. It is not used all the time.

Mr. Schmuckler said there is a permit process in the building department for this.

Mr. Vogt said it may not be an issue for this Board. If it is going to be used as semi-permanent or permanent, it may be more of building code issue.

Mr. Jackson said it would be part of the site plan approval.

Mr. Vogt said he is not sure if it is permissible per building code.

Mr. Liston said they could square it off so it doesn't need a variance. They would like to keep for the uses previously stated.

Mr. Schmuckler said they spoke about two years ago about getting permits and there was some sort of paperwork that was produced.

Mr. Liston said that was for the addition of the building.

Mr. Schmuckler just wants to make sure they are not granting any sort of relief that they are not intending to grant.

Mr. Vogt read a section of the UDO concerning a temporary accessory structure. Tents are only defined in a temporary context.

Mr. Liston said this tent fits within that definition. It is not permanent and could be taken down which occasionally it is.

Mr. Neiman would like to move the tent so it is not in the setback.

Mr. Liston agreed to that.

Mr. Vogt asked if they agree to comply with the contents of the letter.

Mr. Lurie said yes but the security lights need to be addressed.

Mr. Vogt said they had issues with the previous design. The applicant would like to request lower levels of lighting than the ordinance requires.

Mr. Lurie said they are providing two 25 ft light poles in the parking lot area that could be turned on and off by the client. The center of the lights provides about 2 ft candles and dissipates down to .2 ft candles at the edge of the parking lot.

Mr. Vogt said the intent of providing the lower level intensity within the property is not to have spillover onto the neighbors.

Mr. Lurie said that is correct.

Mr. Vogt asked if he feels the design is functionally adequate for the intended use.

Mr. Lurie said that is correct.

Mr. Ron Gasiorowski, Esq. representing the objector, Lafayette Green Homeowner's Association.

The site plan was marked as exhibit A-1, the floor plans was marked as exhibit A-2 and the elevations were marked as exhibit A-3.

Mr. Gasiorowski asked about the location of the addition on the floor plans.

Mr. Lurie showed him the location on the plans.

Mr. Gasiorowski further questioned him about a portion of the proposed addition.

Mr. Gasiorowski asked about the storage of the motorcycles.

Mr. Lurie said it would be for storage of new motorcycles, motorcycles that need to be repaired, used motorcycles that could be sold at the premises.

Mr. Gasiorowski questioned the presence of the temporary tent when the operation first opened.

Mr. Lurie said when it was a roller skating rink the tent was not there so it would be some time between 1999 and present.

Mr. Gasiorowski asked if there was any point in time when the tent was taken down.

Mr. Lurie said he is not sure. When he was present the tent was up.

Mr. Gasiorowski asked if he ever went inside the tent to see how it was being used.

Mr. Lurie said yes, there were picnic tables inside.

Mr. Gasiorowski asked if there was ever a second tent on the site.

Mr. Lurie said not that he is aware of.

Mr. Gasiorowski began to talk about what zone this project is in.

Mr. Liston objected because they had already spent a whole night discussing this issue and the Board decided that it is a permitted use.

Mr. Gasiorowski said they had not discussed the sale of used motorcycles.

Mr. Jackson asked if he thinks this is beyond what the permitted use is for this zone.

Mr. Liston said that was a jurisdictional question posed by the court and when it came back to this Board they decided the sale of used and new motorcycles as well as the repair of same is permitted.

Mr. Gasiorowski again said there is no reference to the sale of used motor vehicles in the B5-A zone.

Mr. Gasiorowski asked how many parking spaces there are currently on the site.

Mr. Lurie said 83 spaces.

Mr. Gasiorowski asked what the existing square footage of the building is.

Mr. Lurie said 21,292 sq ft.

Mr. Gasiorowski asked the proposed asked what the proposed addition size is.

Mr. Lurie said they are increasing it by approximately 15,000 sq ft.

Mr. Gasiorowski asked about the islands in the parking lot.

Mr. Lurie said they will only be striped.

Mr. Gasiorowski questioned if they could do that and if they need a waiver for just striping it.

Mr. Vogt does not know of any requirements for the parking islands as stipulated in the UDO.

Mr. Gasiorowski asked if the entire parking area is all at grade level.

Mr. Lurie said the lights would be raised within the parking area.

Mr. Gasiorowski asked if the owner intends to use the parking area as a riding school.

Mr. Lurie said it is all for additional parking for the building.

Mr. Liston stated they will not be using that area for teaching people how to ride motorcycles. He is willing to accept it as a condition of this approval. It would be an enforcement issue and he is sure that there will be eyes on them if they ever do that. They have other locations where they would do that with cones and instructors.

Mr. Neiman reiterated that it needs to be a condition in the resolution.

Mr. Jackson asked if Mr. Liston would have an issue putting that condition on the site plan as well.

Mr. Liston said he has no problem with that.

Mr. Neiman said he visited the site just to see the operation and he saw bikes outside which would now be located inside the new addition. He would have the same concerns as the neighbors but from what he was shown at the site, he believes a lot of the noise would be eliminated.

Mr. Gasiorowski does not have a problem with motorcycles being parked in the back parking lot but it should not be used for the storage of bikes or test driving of bikes. The east side of the building should not be used for the storage of motorcycles either.

Mr. Neiman said that should be in the resolution as well as on the site plan.

Mr. Gasiorowski said that Harley Davidson also sponsors motorcycle rallies. The question his clients have is if that back area be utilized as a gathering for these motorcycle rallies.

Mr. Neiman asked that when they do have these events that all the parking be in the back and the front parking lot would be used for the events.

Mr. Liston agrees with that. The back parking lot will be used for the parking of motor vehicles for customers and employees only.

Mr. Gasiorowski would like to have his noise expert give testimony.

Mr. Liston said that noise is not a purview of this Board. There is a noise ordinance and every township in Ocean County which provides noise requirements. You can't superimpose what you want on that. This is a separate issue that deals with enforcement and not planning issues.

Mr. Neiman said they are here to approve an application and he wants to make sure they don't generate more noise to that area.

Mr. Alexander Litwornia, P.E. was sworn in.

Mr. Gasiorowski asked if there is usually a code enforcement officer who is qualified to take noise readings and determine whether or not there is a noise violation.

Mr. Litwornia said there is usually someone in the police force who takes a course to get a certification which has to be done annually.

Mr. Gasiorowski asked when he was at the site and the result of the readings.

Mr. Litwornia said he took readings on January 12, 2012, December 10, 2012 and December 17, 2013. One of the locations was on the property line in front of the store. The second reading was taken on the eastern property line. According to the code you are supposed to be able to measure it at the residential property line. The permitted decibels during the day is 65 decibels. It drops to 50 decibels during the night. The reading that was taken at the front of the property during the day reached 90 decibels and that was when motorcycles were revving. In the side area there were two types of readings. One reading was about 56 decibels and that was when no motorcycles were there and everything was closed. That reading was from the HVAC equipment. The HVAC equipment was loud enough so that it would cause a violation at night because it is not properly screened and maintained. He would suggest the equipment be put on rubber mounted and be screened so that it would be within DEP limits.

Mr. Jackson asked if the applicant would have any problem screening the HVAC unit.

Mr. Liston said that unit is at ground level and it would be screened by the addition of the building.

Mr. Jackson said that should be a condition of approval. The HVAC unit should be screened to the satisfaction of the township engineer.

Mr. Litwornia said because noise barriers are so expensive he would suggest a board on board fence with a solid core. Usually there is a 3 ft berm with a 6 or 8 ft wooden stockade fence. That would be recommended be put along the residential properties.

Mr. Lurie said there is already a proposed 8 ft board on board fence with landscaping.

Mr. Litwornia recommends that the board on board fence be modified with a solid core to make it a sound barrier as opposed to an aesthetic fence which doesn't do anything. You would take the fence and go around the corner a bit which stops the movement of noise around the fence area.

Mr. Vogt asked what the increase in price would be.

Mr. Litwornia said it would be approximately a 50% increase.

Mr. Liston said they do not need it along the building because there will be no motorcycle activity there. He also said that this is only a parking lot. They have already agreed that they are not going to have events back there.

Mr. Vogt said they would propose this fence at the northerly portion of the property near the front parking lot.

Mr. Neiman said when the applicant comes for resolution compliance he would like to see a core board on board fence extended into the back where the proposed parking lot area is.

Mr. Jackson said the final configuration would be subject to the review and approval of the board engineer.

Mr. Liston said they would install the fence in the back as well as the wing wall at about 20 ft. In the front they will go even with their building forward to the end of the property where the condos end and the STS property begins.

Mr. Neiman opened to the public.

Ms. Susan DeMaria, Esq. on behalf of Harrogate stated that they have a couple of additional concerns. The concern about the property being used as a training course has been addressed. Another issue is that there be no site access from Locust Street and maintaining the tree buffer as it exists now.

Mr. Liston said he is aware of these concerns. They do not propose nor intend any access from Locust Street. If they were to seek access in the future they would have to come back to the Board. The only change to the buffer is that they are going to be putting the parking lot in but they will still have much more than the minimum buffer which is provided for under the ordinance.

The Board asked that before they do any clearing that they mark the trees which will remain.

Ms. Margaret Gulino, 597 Woodbine Lane, was sworn in. She expressed her concerns about the noise and the property values.

Mr. Lawrence Muldoon, 585 Woodbine Lane, was sworn in. He said he has lived there for many years back when the property was a roller skating rink. He is also concerned about the property values and that he would never be able to sell the unit as nobody wants to live there.

Mr. Neiman closed to the public. He expressed to Mr. Liston that this is a quality of life issue and to make sure they work with the board engineer to limit the noise as much as possible.

Mr. Schmuckler asked if they would extend the fence 20 ft towards Route 70.

Mr. Liston said they are willing to do that but only on their property line.

The Board is fine with that.

A motion was made by Mr. Schmuckler, seconded by Mr. Banas to approve the application.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Schmuckler, Mr. Rennert, Mr. Percal

No: Mr. Neiman

8. CORRESPONDENCE

SP 1882 – Sudler Lakewood Land, LLC

Block 1160.02 Lot 7.01

Administrative approval request to adjust approved building height

Mrs. Morris said this is for a previously approved site plan. The application submitted revised architectural drawings with a slightly larger building facade in the some areas. It is still below the height requirements for the zone as the board engineer's letter details.

Mr. Neiman asked if this will change the drainage or anything.

Mr. Vogt said this will not create any new variances or impact anything site wise.

A motion was made and seconded to approve the administrative request.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

SD 1728 – Diamante Park

Block 189.05 Lots 138, 139, 140, 141, 142, 144, 145 & 146

Administrative approval to shift lot line

Mr. Flannery said there was a zero lot line subdivision approved on Ocean Avenue. The building code changed so that you can't do windows on that zero lot line anymore. They would like to shift the lot line. All the buildings stay in the same exact place as well as the improvements. No new variances or relief is requested.

Mr. Jackson said this can be approved administratively as there are no material changes.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Ingber, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

9. PUBLIC PORTION
10. APPROVAL OF MINUTES
11. APPROVAL OF BILLS
11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary